

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

IRMA MENDEZ,

Plaintiff(s),

vs.

FIESTA DEL NORTE HOME OWNERS
ASSOCIATION, et al.,

Defendant(s).

Case No. 2:15-cv-00314-RCJ-NJK

ORDER

Pending before the Court is Plaintiff's motion for the issuance of subpoenas. Docket No. 65. For the reasons discussed below, Plaintiff's motion (Docket No. 65) is hereby **GRANTED** in part, and **DENIED** in part.

Rule 45 of the Federal Rules of Civil Procedure governs the issuance of subpoenas to non-parties. Such subpoenas may issue from the Court, signed by the Court Clerk or an attorney authorized to practice before the Court. Fed. R. Civ. P. 45(a)(3). *Pro se* litigants need the Court Clerk to issue a subpoena. *Alcon v. Bright*, 2015 WL 5559896, at *2 (N.D. Cal. Sept. 18, 2015). In accordance with Rule 45(a)(3), "[t]he clerk must issue a subpoena, signed but otherwise in blank, to a party who requests it[, and] that party must complete it before service." Fed. R. Civ. P. 45(a)(3).

Here, Plaintiff purportedly seeks to subpoena two non-parties: Michele Naomi, a former employee of Defendants Fiesta Del Norte Home Owners Association ("Fiesta") and Complete Management Company, LLC; and Edward Song, an attorney for Defendant Fiesta. Accordingly, the Court will liberally construe Plaintiff's motion as a request for subpoenas pursuant to Rule 45 of the

Federal Rules of Civil Procedure, and “will grant that request and direct the Clerk of Court to issue the subpoena in blank and [send] it to Plaintiff to fill out.” *Banks v. Joyce*, 2014 WL 7330938, at *1 (D. Nev. Dec. 19, 2014) (Leen, M.J.). “This practice is not uncommon in this district.” *Antonetti v. Neven*, 2014 WL 1089661, at *2 (D. Nev. Mar. 18, 2014) (citing *McCurdy v. N. Las Vegas Officer Johnson*, No. 08-cv-1767-JAD-PAL (Docket No. 84 at 5-6) (D. Nev. Aug. 23, 2013) (Leen, M.J.) (ordering the Clerk of Court to “issue a subpoena duces tecum and send it to the Plaintiff who shall describe the documents he is requesting and serve it on [opposing] counsel”). Plaintiff is advised that she must comply with Rule 45. *Banks*, 2014 WL 7330938, at *1 (D. Nev. Dec. 19, 2014) (telling *pro se* Plaintiff to carefully read the same).¹

IT IS SO ORDERED:

1. The Motion is GRANTED to the extent that the Clerk of Court shall issue a subpoena in blank on form AO 88A, and send it to Plaintiff.
2. Further, the Motion is GRANTED to the extent that the Clerk of Court shall issue a subpoena in blank on form AO 88B, and send it to Plaintiff.
3. The Motion is DENIED in all other respects.

DATED: November 6, 2015



 NANCY J. KOPPE
 United States Magistrate Judge

¹The Court expresses no opinion as to whether the subpoenas requested are appropriate and/or timely. Nothing in this shall order be construed as preventing any of the subpoena recipients from filing any motions they deem appropriate.